

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

SUPER 8 MOTELS, INC.,)	
)	
Plaintiff,)	
)	No. 03-06-cv-206-DRB
vs.)	
)	
JALA INVESTMENTS, INC., HIMAT, INC.,)	
CHANDRAKANT PATEL, and)	
DHIRAJLAL PATEL,)	
)	
Defendants.)	
_____)	

**DEFENDANTS HIMAT, INC., CHANDRAKANT PATEL
AND DHIRAJLAL PATEL'S MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

COME NOW Himat, Inc., Chandrakant Patel and Dhirajlal Patel (together "Himat") and hereby file this Motion to Dismiss for Lack of Subject Matter Jurisdiction. Although Plaintiff has alleged this Court has jurisdiction over the claims against Himat based on 28 U.S.C.A. § 1367, supplemental jurisdiction, the state law breach of contract claims against Himat are not part of the same case or controversy as the one federal claim raised against co-defendant, and completely unrelated party, JALA Investments, Inc. Moreover, the Plaintiff cannot satisfy the amount in controversy requirement to establish diversity jurisdiction over Himat. Lacking subject matter jurisdiction, this Court should dismiss all claims against Himat. In support of their motion, Himat relies on their Brief in Support of their Motion to Dismiss for Lack of Subject Matter Jurisdiction filed contemporaneously herewith, as well as all pleadings filed of record in this case.

This the 27th day of November, 2006.

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\s\ John A. Christy
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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing DEFENDANTS HIMAT, INC., CHANDRAKANT PATEL AND DHIRAJLAL PATEL'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION upon opposing counsel by United States first class mail and by placing a copy of same in a properly addressed envelope with adequate prepaid postage affixed addressed to:

Kelly Fitzgerald Pate, Esq.
Robin Garrett Laurie, Esq.
Balch & Bingham, LLP
P.O. Box 78
Montgomery, AL 36101

Perry G. Jackson, Esq.
2229 Morris Avenue
Birmingham, AL 35203

This the 27th day of November, 2006.

\s\ John A. Christy
JOHN A. CHRISTY
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